REMARKS

Applicants thank the Examiner for total consideration given the present application. Claims 1-21 were pending prior to the Office Action. Claim 22 has been added and claims 20 and 21 have been canceled through this Reply. Therefore, claims 1-19 and 22 are currently pending of which claims 1, 6, 17, and 22 are independent. Claims 1, 6, 7, and 17have been amended through this Reply. Applicants respectfully request reconsideration of the rejected claims in light of the amendment and remarks presented herein, and earnestly seek timely allowance of all pending claims.

Interview Summary

Applicants thank the Examiner for granting a personal interview with the Applicants' representative on August 24, 2007. Applicants appreciate for the suggestions provided by the Examiner to amend the independent claims.

Claim Objection

The Examiner objects to claims 7-9 and 20-21 due to minor informalities. Particularly, the Examiner alleges, "The idea of a table being included in a markup file does not come in agreement with a more commonly accepted meaning of a table and that of a markup language as understood by one skilled in the art; according to which, a markup page does not reasonably contain a table, but rather contains tagged elements." (*See page 2, section 2 of the final Office Action.*) Applicants respectfully submit that Figure 3, and the rest of the application, make it abundantly clear what is meant by a table being included within an XML file. Although Applicants do not necessarily agree with the Examiner's objection to claims 7-9 and 20-21, claim 6 from which claim 7 depends have been amended to include *inter alia*, "a data file ***formatted with a markup language to implement data of an external table***" as suggested by the Examiner and claims 20 and 21 have been cancelled. Accordingly, it is respectfully requested to withdraw this objection.

Claim Rejection - 35 U.S.C. § 101

Claims 1-4 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Particularly, the Examiner alleges that independent claim 1 "amounts to a product comprising of descriptive nonfunctional software entities stored thereon." (*See page 3, section 4 of the final Office Action.*) Although Applicants do not necessarily agree with the Examiner's contention that claims 1-4 are non-statutory, independent claim 1 has been amended so that the computer-readable medium amounts to a product comprising descriptive functional software entities. Independent claim 1 now recites:

> "A computer-readable medium having ***stored thereon computer executable instructions*** to operate on a data structure identifying parameter value combinations, ***the instructions when executed causes a computer system to test a software module***, the data structure comprising: . . .
>
> (b) a second section, when instructed, ***extracts*** a first set of parameter values and ***lists*** the first set of parameter values in an order such that each value in said first set of parameter values is positioned in the same order as the corresponding parameter listed in the parameter order . . .
>
> (c) a third section, when instructed, ***extracts*** a second set of parameter values and ***lists*** the second set of parameter values in an order such that each value in said second set of parameter values is positioned in the same order as the corresponding parameter listed in the parameter order . . ."

In view of the above amendment, it is respectfully submitted that independent claim 1 is statutory. Accordingly, withdrawal of the 35 USC §101 rejection is respectfully requested.

35 U.S.C. § 102 REJECTION - Mandava

Claims 1-10, 12-14, and 16-19 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Mandava et al. (US Pub. No. 2004/0128584)[hereinafter "Mandava"].). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Mandava fails to teach or suggest each and every claimed element. For example, independent claim 1 recites, *inter alia*, "a second section, when instructed, ***extracts*** a

first set of parameter values and ***lists*** the first set of parameter values ***in an order such that each value in said first set of parameter values is positioned in the same order as the corresponding parameter listed in the parameter order*** wherein the first set of parameter values is identified with a first test case for testing the software module and a third section, when instructed, ***extracts*** a second set of parameter values and ***lists*** the second set of parameter values ***in an order such that each value in said second set of parameter values is positioned in the same order as the corresponding parameter listed in the parameter order***, wherein the second set of parameter values is identified with a second test case for testing the software module." *Emphasis added.*

It is respectfully submitted that Mandava fails to disclose the above-identified claim features of independent claim 1.

Mandava merely discloses a method and system for enhancing software application testing by automatically ascertaining test coverage of a software application specification document. In one embodiment, an assertion coverage tool interfaces with an assertion document corresponding to a software application specification and respective static XML files of test suites executing the software application so as to determine the extent of test coverage of the software application specification. Mandava further discloses that in analyzing a test coverage of a software application specification by a test suite, the method includes reading an assertion document for a specification wherein the assertion document has a corresponding tagged assertion for each assertion in the specification. Each tagged assertion is defined in a markup language. The method also includes reading a static file for defining tests of the test suite. The static file is defined in the markup language. In Mandava, the test suite is divided into tests and each test is divided into test cases. The static file is configured to include an entry for each test case and each entry is configured to include tagged assertions tested by the test case. Mandava further discloses a step of correlating each of the tagged assertions in the assertion document with the test cases in the static file so as to determine test coverage of the specification. (*See paragraphs, 10 and 11.*)

As described in paragraph 38, Mandava discloses that the method is used to determine whether assertions that are included in a specification document are complied with. As shown in figure 1A, a software specification includes numerous assertions. The system and method

disclosed in Mandava et al, allows the user to determine which assertions are tested with a testing process, Figure 3G, for example, lists individual test suites and assertions that are tested by those test suites. With this system a user can look at column 358 and realize that several assertions that are included in the software specification are not tested at all and then take appropriate action.

Mandava is distinguished from the claimed invention in that in Mandava, there is no teaching of listing the first set of parameter values ***in an order such that each value in said first set of parameter values is positioned in the same order as the corresponding parameter listed in the parameter order*** and listing the second set of parameter values ***in an order such that each value in said second set of parameter values is positioned in the same order as the corresponding parameter listed in the parameter order***.

The Examiner alleges that "parameters listed in a parameter order" is a phraseology does not make it clear how this listing is particularly effectuated; that is the language is not only broad but rater superfluous in repeating a same concept, thus lacks details that would enforce any distinguishing feature." (*See page 11, section (C) of the final Office Action.*) Although Applicants do not necessarily agree with the Examiner regarding this issue, claim 1 has been amended to particularly recite that the first set of parameter values ***is identified with a first test case*** for testing the software module and the second set of parameter values ***is identified with a second test case*** for testing the software module. Thus, the claimed "parameter order" is important test the software module with the specified test case. The specification clearly discloses, "One of the advantages of listing parameter values for individual test cases in the same order as the parameters listed in parameter section 304 is that the amount of information that must be included within a data file is minimized." (*See page 6, paragraph 19 of the instant specification.*) Accordingly, it is respectfully submitted that the phrase "parameters listed in a parameter order" as recited in claim 1 is not superfluous as alleged by the Examiner.

The Examiner relies on Table 1 and paragraphs to 68-74 of Mandava as disclosing the above-identified claim features. Applicants respectfully disagree. Table 1 illustrates an exemplary representation of assertions found in an assertions document. (*See paragraph 66.*)

Paragraphs 68-70 describe elements of the assertion document. There is no disclosure of "a set of testing parameters listed in a parameter order" as recited in claim 1. Thus, the relied upon section of Mandava cannot be properly interpreted as disclosing the above-identified claim features. In particular, it is unclear how paragraphs 71 and 74 can be considered as disclosing "parameter values" that are position in the same order as the corresponding parameter is listed in the parameter order. Paragraphs 71 and 74 describe an assertion document that contains assertions and not parameter values. Further, nowhere does Mandava teach or suggest that the first parameter values is identified with a first test case and a second set of parameter values is identified with a second test case for testing the software module.

Therefore, for at least these reasons, independent claim 1 is distinguishable from Mandava. Claims 2-5 depend from claim 1, directly or indirectly. Therefore, for at least the reasons stated with respect to claim 1, claims 2-5 are also distinguishable from Mandava.

Claim 6 includes the features of "extracting parameter value combinations from a data file formatted with a markup language to implement data of an external table associated with a first test case . . . changing the data file to implement data of the external table associated with a second test case for testing the software module, wherein the parameter value combinations are identified with the second test case . . ." It is respectfully submitted that Mandava fails to disclose or teach the above-identified claim features of claim 6.

Figures 3D-1,2,3 merely illustrate the assertion documents corresponding to specification. (*See paragraph 155.*) The assertions are not parameter value combinations. Figure 3F-l illustrates a static XML file that shows a listing of assertions that are tested by different tests suites. (*See paragraph 157.*) The files shown in figures 3F-1 and 2 may be used to create the display shown in figure 3G, which allows a user to view and determine which assertions are tested by which testing suites. (*See paragraph 160.*) Neither the cited portions nor any other portions of Mandava teach or suggest the above-identified claim feature of claim 6.

For at least these reasons, the Applicant respectfully submits that claim 6 and the claims that depend from claim 6 are not anticipated by Mandava et al. and are in condition for allowance.

Amended claim 17 recites, *inter alia*, "an import component that ***extracts parameter value combinations from a data file formatted with a marked up language*** to implement data of an external table ***associated with a first test case***; a test object creation module that creates an object to ***test a software module with the parameter value combinations associated with the first test case***; wherein the import component is configured to ***extract parameter value combinations from the data file to implement data of the external table associated with a second test case for testing the software module***." *Emphasis added.*

Figures 3D-1, 2 and 3 and 3F-1 and 2 have been described above in this response and do not disclose the above-identified claim features of amended claim 17.

For at least these reasons, the Applicant respectfully submits that claim 17 and the claims that depend from claim 17 are not anticipated by Mandava et al. and are in condition for allowance.

Accordingly, Applicant respectfully requests that the rejection of claims 1-10, 12-14, and 16-19, based on Mandava, be withdrawn.

35 U.S.C. § 103 REJECTION – Mandava, Takahashi

The Examiner rejects claims 11, 15, and 20-21 under 35 U.S.C. 103(a) as allegedly being unpatentable over Mandava, further in view of Takahashi (U.S. Pub. No. 2003/0163802)[hereinafter "Takahashi"]. Applicants respectfully traverse. Claims 20 and 21 have been cancelled and thereby rendering the rejection of claims 20 and 21 moot. Claims 11 and 15 depend from claim 6, directly or indirectly. As demonstrated above, Mandava fails to disclose "extracting parameter value combinations from a data file formatted with a markup language to implement data of an external table associated with a first test case . . . changing the data file to implement data of the external table associated with a second test case for testing the software module, wherein the parameter value combinations are identified with the second test case . . ." Takahashi has not been, and indeed cannot be relied upon to fulfill at least this deficiency of Mandava. Accordingly, it is respectfully requested to withdraw the rejection of claims 11 and 15.

New claim

New claim 22 recites, inter alia, "extracting a first set of parameter values and listing the first set of parameter values in an order such that each value in said first set of parameter values is positioned in the same order as the corresponding parameter listed in the parameter order, wherein the first set of parameter values is identified with a first test case for testing the software module . . . extracting a second set of parameter values and listing the second set of parameter values in an order such that each value in said second set of parameter values is positioned in the same order as the corresponding parameter listed in the parameter order, wherein the second set of parameter values is identified with a second test case for testing the software module . . ." As demonstrated above with respect to claim 1, Mandava fails to disclose the above-identified claim features. Accordingly, it is respectfully submitted that claim 22 is allowable over the cited prior art references.

Conclusion

In view of the above remarks, it is believed that all pending claims are allowable. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: September 24, 2007

Respectfully submitted,

By _____ # 58,755

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